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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 10/091,812 | 03/06/2002 | Elmer C. Carroll JR. | Pickup-003 | 8412 |
| 7590 | 04/30/2004 | | EXAMINER | |
| | | BRAHAN, THOMAS J | | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3652 | | |
| DATE MAILED: 04/30/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-------------------------------------|-------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/091,812 | CARROLL, ELMER C. |
| | Examiner Thomas J. Braham | Art Unit 3652 |

-- The MAILING DATE of this communication app ars on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 February 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For example:

- a. In claim 1, line 4, the term "said moveable enclosure" lacks antecedent basis within the claims.
- b. In claim 1, at line 12, the limitation "a second pivotal connection for the extension member" is confusing as the extension member is not claimed as having a first pivotal connection.
- c. In claim 10, line 4, the term "said moveable enclosure" lacks antecedent basis within the claims.
- d. In claim 10, it is unclear as to how the applicant is considering the length of the boom as variable as the shaft rotates. The distance from the distal end of the boom to the shaft varies as the boom is rotated, but the length of the articulated boom does not vary.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 3-5, 7, 9-13 and 15, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Inaba et al. Inaba et al shows an assembly mounted within an enclosure for moving a load with respect to the enclosure, the assembly comprising:

 a shaft (at turret 12) mounted within the enclosure so as to be rotatable with respect to the enclosure;
 a beam (13) mounted to the shaft and extending outwardly from the shaft;
 a first pivotal connection (23) for said beam at a beam end portion of the beam distal said shaft;
 an arm (the element shown in two positions in figure 5) secured to said first pivotal connection such that the arm is pivotal with respect to the beam;
 an extension member (24) mounted with respect to the beam (13);
 a second pivotal connection (28) for the extension member at an end portion of extension member, the arm being secured to the second pivotal connection such that the extension member controls a relative angle

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formed between the beam and the arm as the shaft rotates; and

a winch (37) secured with respect to the arm for lifting said load.

The extension member is a adjustable in length, as recited in claims 3-5. The connection hardware between the shaft and the beam are support brackets, as recited in claim 7. The length of the arm is adjustable telescopically, as recited in claims 9 and 15. The length of the boom of Inaba et al is adjustable, to the same degree as applicant's boom length is adjustable, as claim 10 is best understood.

Claims 1, 2 and 6, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Boissonneault. Boissonneault shows an assembly mounted within an enclosure for moving a load with respect to the enclosure, the assembly comprising:

a shaft (6) mounted within the enclosure so as to be rotatable with respect to the enclosure;

a beam (38) mounted to the shaft and extending outwardly from the shaft;

a first pivotal connection for the beam at a beam end portion of the beam distal the shaft;

an arm (34) secured to the first pivotal connection such that the arm is pivotal with respect to the beam;

an extension member (36) mounted with respect to the beam (38);

a second pivotal connection (52) for the extension member at an end portion of extension member, the arm being secured to the second pivotal connection such that the extension member controls a relative angle formed between the beam at all times, including when the shaft rotates; and

a winch (37) secured with respect to the arm for lifting said load.

The shaft has upper and lower pivots, as recited in claim 2. The winch is mounted to the end of the arm, as recited in claim 6.

Claims 1, 3, 4, 9-13 and 15, as best understood, are rejected under 35 U.S.C. § 102(e) as being anticipated by Hood. Hood. shows an assembly mounted within an enclosure for moving a load with respect to the enclosure, the assembly comprising:

a shaft (100) mounted within the enclosure so as to be rotatable with respect to the enclosure;

a beam (102) mounted to the shaft and extending outwardly from the shaft;

a first pivotal connection (34) for the beam at a beam end portion of the beam distal the shaft;

an arm (24) secured to the first pivotal connection such that the arm is pivotal with respect to the beam;

an extension member (36) mounted with respect to the beam (102);

a second pivotal connection (74) for the extension member at an end portion of extension member, the arm being secured to the second pivotal connection such that the extension member controls a relative angle formed between the beam at all times, including when the shaft rotates; and

a winch (26) secured with respect to the arm for lifting said load.

The length of the extension member (36) is manually adjusted, as recited in claims 3 and 4. The arm (24) is telescopic, as recited in claims 9 and 15. The length of the boom (24 and 104) is variable, to the same

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degree as applicant's boom has a variable length, as claim 10 is best understood.

Claims 8 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Applicant's remarks in the amendment filed February 12, 2004 have been considered, but are deemed moot in view of the above new rejections. An inquiry concerning this communication should be directed to Thomas J. Brahan at telephone number (703) 308-2568. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for all patent applications is (703) 872-9306.



Thomas J. Brahan
Primary Examiner
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